

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SCHIFF OF CALIFORNIA, OR HIS
DESIGNEE, DEBATABLE FOR 20 MINUTES:

44

AMENDMENT TO H.R. 3199
OFFERED BY MR. SCHIFF OF CALIFORNIA

Add at the end the following:

1 **TITLE ____—REDUCING CRIME**
2 **AND TERRORISM AT AMER-**
3 **ICA'S SEAPORTS**

4 **SEC. __01. SHORT TITLE.**

5 This title may be cited as the "Reducing Crime and
6 Terrorism at America's Seaports Act of 2005".

7 **SEC. __02. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.**

8 (a) IN GENERAL.—Section 1036 of title 18, United
9 States Code, is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (2), by striking "or" at
12 the end;

13 (B) by redesignating paragraph (3) as
14 paragraph (4); and

15 (C) by inserting after paragraph (2) the
16 following:

17 "(3) any secure or restricted area of any sea-
18 port, designated as secure in an approved security
19 plan, as required under section 70103 of title 46,



1 United States Code, and the rules and regulations
2 promulgated under that section; or”;

3 (2) in subsection (b)(1), by striking “5 years”
4 and inserting “10 years”;

5 (3) in subsection (c)(1), by inserting “, captain
6 of the seaport,” after “airport authority”; and

7 (4) by striking the section heading and insert-
8 ing the following:

9 **“§ 1036. Entry by false pretenses to any real property,**
10 **vessel, or aircraft of the United States or**
11 **secure area of any airport or seaport”.**

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections for chapter 47 of title 18 is amended
14 by striking the matter relating to section 1036 and insert-
15 ing the following:

“1036. Entry by false pretenses to any real property, vessel, or aircraft of the
United States or secure area of any airport or seaport.”.

16 (c) DEFINITION OF SEAPORT.—Chapter 1 of title 18,
17 United States Code, is amended by adding at the end the
18 following:

19 **“§ 26. Definition of seaport**

20 “As used in this title, the term ‘seaport’ means all
21 piers, wharves, docks, and similar structures, adjacent to
22 any waters subject to the jurisdiction of the United States,
23 to which a vessel may be secured, including areas of land,
24 water, or land and water under and in immediate prox-

1 imity to such structures, buildings on or contiguous to
2 such structures, and the equipment and materials on such
3 structures or in such buildings.”.

4 (d) TECHNICAL AND CONFORMING AMENDMENT.—
5 The table of sections for chapter 1 of title 18 is amended
6 by inserting after the matter relating to section 25 the
7 following:

“26. Definition of seaport.”.

8 SEC. __03. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE
9 TO, OBSTRUCTION OF BOARDING, OR PRO-
10 VIDING FALSE INFORMATION.

11 (a) OFFENSE.—Chapter 109 of title 18, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 “§ 2237. Criminal sanctions for failure to heave to, ob-
15 struction of boarding, or providing false
16 information

17 “(a)(1) It shall be unlawful for the master, operator,
18 or person in charge of a vessel of the United States, or
19 a vessel subject to the jurisdiction of the United States,
20 to knowingly fail to obey an order by an authorized Fed-
21 eral law enforcement officer to heave to that vessel.

22 “(2) It shall be unlawful for any person on board a
23 vessel of the United States, or a vessel subject to the juris-
24 diction of the United States, to—



1 “(A) forcibly resist, oppose, prevent, impede, in-
2 timidate, or interfere with a boarding or other law
3 enforcement action authorized by any Federal law or
4 to resist a lawful arrest; or

5 “(B) intentionally provide materially false infor-
6 mation to a Federal law enforcement officer during
7 a boarding of a vessel regarding the vessel’s destina-
8 tion, origin, ownership, registration, nationality,
9 cargo, or crew.

10 “(b) Whoever violates this section shall be fined
11 under this title or imprisoned for not more than 5 years,
12 or both.

13 “(c) This section does not limit the authority of a
14 customs officer under section 581 of the Tariff Act of
15 1930 (19 U.S.C. 1581), or any other provision of law en-
16 forced or administered by the Secretary of the Treasury
17 or the Secretary of Homeland Security, or the authority
18 of any Federal law enforcement officer under any law of
19 the United States, to order a vessel to stop or heave to.

20 “(d) A foreign nation may consent or waive objection
21 to the enforcement of United States law by the United
22 States under this section by radio, telephone, or similar
23 oral or electronic means. Consent or waiver may be proven
24 by certification of the Secretary of State or the designee
25 of the Secretary of State.



1 “(e) In this section—

2 “(1) the term ‘Federal law enforcement officer’
3 has the meaning given the term in section 115(c);

4 “(2) the term ‘heave to’ means to cause a vessel
5 to slow, come to a stop, or adjust its course or speed
6 to account for the weather conditions and sea state
7 to facilitate a law enforcement boarding;

8 “(3) the term ‘vessel subject to the jurisdiction
9 of the United States’ has the meaning given the
10 term in section 2 of the Maritime Drug Law En-
11 forcement Act (46 U.S.C. App. 1903); and

12 “(4) the term ‘vessel of the United States’ has
13 the meaning given the term in section 2 of the Mari-
14 time Drug Law Enforcement Act (46 U.S.C. App.
15 1903).”.

16 (b) CONFORMING AMENDMENT.—The table of sec-
17 tions for chapter 109, title 18, United States Code, is
18 amended by inserting after the item for section 2236 the
19 following:

“2237. Criminal sanctions for failure to heave to, obstruction of boarding, or
providing false information.”.

20 **SEC. __04. USE OF A DANGEROUS WEAPON OR EXPLOSIVE**
21 **ON A PASSENGER VESSEL.**

22 Section 1993 of title 18, United States Code, is
23 amended—

24 (1) in subsection (a)—



1 (A) in paragraph (1), by inserting “, pas-
2 senger vessel,” after “transportation vehicle”;

3 (B) in paragraphs (2)—

4 (i) by inserting “, passenger vessel,”
5 after “transportation vehicle”; and

6 (ii) by inserting “or owner of the pas-
7 senger vessel” after “transportation pro-
8 vider” each place that term appears;

9 (C) in paragraph (3)—

10 (i) by inserting “, passenger vessel,”
11 after “transportation vehicle” each place
12 that term appears; and

13 (ii) by inserting “or owner of the pas-
14 senger vessel” after “transportation pro-
15 vider” each place that term appears;

16 (D) in paragraph (5)—

17 (i) by inserting “, passenger vessel,”
18 after “transportation vehicle”; and

19 (ii) by inserting “or owner of the pas-
20 senger vessel” after “transportation pro-
21 vider”; and

22 (E) in paragraph (6), by inserting “or
23 owner of a passenger vessel” after “transpor-
24 tation provider” each place that term appears;

1 (2) in subsection (b)(1), by inserting “, pas-
2 senger vessel,” after “transportation vehicle”; and

3 (3) in subsection (c)—

4 (A) by redesignating paragraph (6)
5 through (8) as paragraphs (7) through (9); and

6 (B) by inserting after paragraph (5) the
7 following:

8 “(6) the term ‘passenger vessel’ has the mean-
9 ing given that term in section 2101(22) of title 46,
10 United States Code, and includes a small passenger
11 vessel, as that term is defined under section
12 2101(35) of that title.”.

13 **SEC. _05. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST**
14 **MARITIME NAVIGATION, PLACEMENT OF DE-**
15 **STRUCTIVE DEVICES.**

16 (a) **PLACEMENT OF DESTRUCTIVE DEVICES.**—Chap-
17 ter 111 of title 18, United States Code, as amended by
18 subsection (a), is further amended by adding at the end
19 the following:

20 **“§ 2282A. Devices or dangerous substances in waters**
21 **of the United States likely to destroy or**
22 **damage Ships or to interfere with mari-**
23 **time commerce**

24 **“(a) A person who knowingly places, or causes to be**
25 **placed, in navigable waters of the United States, by any**



1 means, a device or dangerous substance which is likely to
2 destroy or cause damage to a vessel or its cargo, cause
3 interference with the safe navigation of vessels, or inter-
4 ference with maritime commerce (such as by damaging or
5 destroying marine terminals, facilities, or any other ma-
6 rine structure or entity used in maritime commerce) with
7 the intent of causing such destruction or damage, inter-
8 ference with the safe navigation of vessels, or interference
9 with maritime commerce shall be fined under this title or
10 imprisoned for any term of years, or for life; or both.

11 “(b) A person who causes the death of any person
12 by engaging in conduct prohibited under subsection (a)
13 may be punished by death.

14 “(c) Nothing in this section shall be construed to
15 apply to otherwise lawfully authorized and conducted ac-
16 tivities of the United States Government.

17 “(d) In this section:

18 “(1) The term ‘dangerous substance’ means
19 any solid, liquid, or gaseous material that has the
20 capacity to cause damage to a vessel or its cargo, or
21 cause interference with the safe navigation of a ves-
22 sel.

23 “(2) The term ‘device’ means any object that,
24 because of its physical, mechanical, structural, or
25 chemical properties, has the capacity to cause dam-



1 age to a vessel or its cargo, or cause interference
2 with the safe navigation of a vessel.”.

3 (2) CONFORMING AMENDMENT.—The table of
4 sections for chapter 111 of title 18, United States
5 Code, as amended by subsection (b), is further
6 amended by adding after the item related to section
7 2282 the following:

“2282A. Devices or dangerous substances in waters of the United States likely
to destroy or damage ships or to interfere with maritime com-
merce.”.

8 (b) VIOLENCE AGAINST MARITIME NAVIGATION.—

9 (1) IN GENERAL.—Chapter 111 of title 18,
10 United States Code as amended by subsections (a)
11 and (c), is further amended by adding at the end the
12 following:

13 “§ 2282B. Violence against aids to maritime naviga-
14 tion

15 “Whoever intentionally destroys, seriously damages,
16 alters, moves, or tampers with any aid to maritime naviga-
17 tion maintained by the Saint Lawrence Seaway Develop-
18 ment Corporation under the authority of section 4 of the
19 Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard
20 pursuant to section 81 of title 14, United States Code,
21 or lawfully maintained under authority granted by the
22 Coast Guard pursuant to section 83 of title 14, United
23 States Code, if such act endangers or is likely to endanger

1 the safe navigation of a ship, shall be fined under this
2 title or imprisoned for not more than 20 years.”.

3 (2) CONFORMING AMENDMENT.—The table of
4 sections for chapter 111 of title 18, United States
5 Code, as amended by subsections (b) and (d) is fur-
6 ther amended by adding after the item related to
7 section 2282A the following:

“2282B. Violence against aids to maritime navigation.”.

8 **SEC. __06. TRANSPORTATION OF DANGEROUS MATERIALS**
9 **AND TERRORISTS.**

10 (a) TRANSPORTATION OF DANGEROUS MATERIALS
11 AND TERRORISTS.—Chapter 111 of title 18, as amended
12 by section __05, is further amended by adding at the end
13 the following:

14 **“§ 2283. Transportation of explosive, biological, chem-**
15 **ical, or radioactive or nuclear materials**

16 “(a) IN GENERAL.—Whoever knowingly transports
17 aboard any vessel within the United States and on waters
18 subject to the jurisdiction of the United States or any ves-
19 sel outside the United States and on the high seas or hav-
20 ing United States nationality an explosive or incendiary
21 device, biological agent, chemical weapon, or radioactive
22 or nuclear material, knowing or having reason to believe
23 that any such item is intended to be used to commit an
24 offense listed under section 2332b(g)(5)(B), shall be fined



1 under this title or imprisoned for any term of years or
2 for life, or both.

3 “(b) DEATH PENALTY.—If the death of any indi-
4 vidual results from an offense under subsection (a) the
5 offender may be punished by death.

6 “(c) DEFINITIONS.—In this section:

7 “(1) BIOLOGICAL AGENT.—The term ‘biological
8 agent’ means any biological agent, toxin, or vector
9 (as those terms are defined in section 178).

10 “(2) BY-PRODUCT MATERIAL.—The term ‘by-
11 product material’ has the meaning given that term
12 in section 11(e) of the Atomic Energy Act of 1954
13 (42 U.S.C. 2014(e)).

14 “(3) CHEMICAL WEAPON.—The term ‘chemical
15 weapon’ has the meaning given that term in section
16 229F(1).

17 “(4) EXPLOSIVE OR INCENDIARY DEVICE.—The
18 term ‘explosive or incendiary device’ has the mean-
19 ing given the term in section 232(5) and includes ex-
20 plosive materials, as that term is defined in section
21 841(c) and explosive as defined in section 844(j).

22 “(5) NUCLEAR MATERIAL.—The term ‘nuclear
23 material’ has the meaning given that term in section
24 831(f)(1).



1 “(6) RADIOACTIVE MATERIAL.—The term ‘ra-
2 dioactive material’ means—

3 “(A) source material and special nuclear
4 material, but does not include natural or de-
5 pleted uranium;

6 “(B) nuclear by-product material;

7 “(C) material made radioactive by bom-
8 bardment in an accelerator; or

9 “(D) all refined isotopes of radium.

10 “(8) SOURCE MATERIAL.—The term ‘source
11 material’ has the meaning given that term in section
12 11(z) of the Atomic Energy Act of 1954 (42 U.S.C.
13 2014(z)).

14 “(9) SPECIAL NUCLEAR MATERIAL.—The term
15 ‘special nuclear material’ has the meaning given that
16 term in section 11(aa) of the Atomic Energy Act of
17 1954 (42 U.S.C. 2014(aa)).

18 **“§ 2284. Transportation of terrorists**

19 “(a) IN GENERAL.—Whoever knowingly transports
20 any terrorist aboard any vessel within the United States
21 and on waters subject to the jurisdiction of the United
22 States or any vessel outside the United States and on the
23 high seas or having United States nationality, knowing or
24 having reason to believe that the transported person is a

1 terrorist, shall be fined under this title or imprisoned for
2 any term of years or for life, or both.

3 “(b) DEFINED TERM.—In this section, the term ‘ter-
4 rorist’ means any person who intends to commit, or is
5 avoiding apprehension after having committed, an offense
6 listed under section 2332b(g)(5)(B).”.

7 (b) CONFORMING AMENDMENT.—The table of sec-
8 tions for chapter 111 of title 18, United States Code, as
9 amended by section __05, is further amended by adding
10 at the end the following:

“2283. Transportation of explosive, chemical, biological, or radioactive or nu-
clear materials.

“2284. Transportation of terrorists.”.

11 SEC. __07. DESTRUCTION OF, OR INTERFERENCE WITH,
12 VESSELS OR MARITIME FACILITIES.

13 (a) IN GENERAL.—Title 18, United States Code, is
14 amended by inserting after chapter 111 the following:

15 “CHAPTER 111A—DESTRUCTION OF, OR
16 INTERFERENCE WITH, VESSELS OR
17 MARITIME FACILITIES

“Sec.

“2290. Jurisdiction and scope.

“2291. Destruction of vessel or maritime facility.

“2292. Imparting or conveying false information.

18 “§ 2290. Jurisdiction and scope

19 “(a) JURISDICTION.—There is jurisdiction, including
20 extraterritorial jurisdiction, over an offense under this
21 chapter if the prohibited activity takes place—



1 “(1) within the United States and within waters
2 subject to the jurisdiction of the United States; or

3 “(2) outside United States and—

4 “(A) an offender or a victim is a national
5 of the United States (as that term is defined
6 under section 101(a)(22) of the Immigration
7 and Nationality Act (8 U.S.C. 1101(a)(22)); or

8 “(B) the activity involves a vessel of the
9 United States (as that term is defined under
10 section 2 of the Maritime Drug Law Enforce-
11 ment Act (46 U.S.C. App. 1903).

12 “(b) SCOPE.—Nothing in this chapter shall apply to
13 otherwise lawful activities carried out by or at the direc-
14 tion of the United States Government.

15 **“§ 2291. Destruction of vessel or maritime facility**

16 “(a) OFFENSE.—Whoever intentionally—

17 “(1) sets fire to, damages, destroys, disables, or
18 wrecks any vessel;

19 “(2) places or causes to be placed a destructive
20 device, as defined in section 921(a)(4), destructive
21 substance, as defined in section 31(a)(3), or an ex-
22 plosive, as defined in section 844(j) in, upon, or
23 near, or otherwise makes or causes to be made un-
24 workable or unusable or hazardous to work or use,
25 any vessel, or any part or other materials used or in-

1 tended to be used in connection with the operation
2 of a vessel;

3 “(3) sets fire to, damages, destroys, or disables
4 or places a destructive device or substance in, upon,
5 or near, any maritime facility, including any aid to
6 navigation, lock, canal, or vessel traffic service facil-
7 ity or equipment;

8 “(4) interferes by force or violence with the op-
9 eration of any maritime facility, including any aid to
10 navigation, lock, canal, or vessel traffic service facil-
11 ity or equipment, if such action is likely to endanger
12 the safety of any vessel in navigation;

13 “(5) sets fire to, damages, destroys, or disables
14 or places a destructive device or substance in, upon,
15 or near, any appliance, structure, property, machine,
16 or apparatus, or any facility or other material used,
17 or intended to be used, in connection with the oper-
18 ation, maintenance, loading, unloading, or storage of
19 any vessel or any passenger or cargo carried or in-
20 tended to be carried on any vessel;

21 “(6) performs an act of violence against or in-
22 capacitates any individual on any vessel, if such act
23 of violence or incapacitation is likely to endanger the
24 safety of the vessel or those on board;



1 “(7) performs an act of violence against a per-
2 son that causes or is likely to cause serious bodily
3 injury, as defined in section 1365(h)(3), in, upon, or
4 near, any appliance, structure, property, machine, or
5 apparatus, or any facility or other material used, or
6 intended to be used, in connection with the oper-
7 ation, maintenance, loading, unloading, or storage of
8 any vessel or any passenger or cargo carried or in-
9 tended to be carried on any vessel;

10 “(8) communicates information, knowing the
11 information to be false and under circumstances in
12 which such information may reasonably be believed,
13 thereby endangering the safety of any vessel in navi-
14 gation; or

15 “(9) attempts or conspires to do anything pro-
16 hibited under paragraphs (1) through (8),
17 shall be fined under this title or imprisoned not more than
18 30 years, or both.

19 “(b) LIMITATION.—Subsection (a) shall not apply to
20 any person that is engaging in otherwise lawful activity,
21 such as normal repair and salvage activities, and the
22 transportation of hazardous materials regulated and al-
23 lowed to be transported under chapter 51 of title 49.

24 “(c) PENALTY.—Whoever is fined or imprisoned
25 under subsection (a) as a result of an act involving a vessel



1 that, at the time of the violation, carried high-level radio-
2 active waste (as that term is defined in section 2(12) of
3 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
4 10101(12)) or spent nuclear fuel (as that term is defined
5 in section 2(23) of the Nuclear Waste Policy Act of 1982
6 (42 U.S.C. 10101(23)), shall be fined under this title, im-
7 prisoned for a term up to life, or both.

8 “(d) DEATH PENALTY.—If the death of any indi-
9 vidual results from an offense under subsection (a) the
10 offender shall be punished by death or imprisonment for
11 any term or years or for life.

12 “(e) THREATS.—Whoever knowingly imparts or con-
13 veys any threat to do an act which would violate this chap-
14 ter, with an apparent determination and will to carry the
15 threat into execution, shall be fined under this title or im-
16 prisoned not more than 5 years, or both, and is liable for
17 all costs incurred as a result of such threat.

18 **“§ 2292. Imparting or conveying false information**

19 “(a) IN GENERAL.—Whoever imparts or conveys or
20 causes to be imparted or conveyed false information,
21 knowing the information to be false, concerning an at-
22 tempt or alleged attempt being made or to be made, to
23 do any act that would be a crime prohibited by this chap-
24 ter or by chapter 111 of this title, shall be subject to a
25 civil penalty of not more than \$5,000, which shall be re-



1 coverable in a civil action brought in the name of the
2 United States.

3 “(b) MALICIOUS CONDUCT.—Whoever knowingly, or
4 with reckless disregard for the safety of human life, im-
5 parts or conveys or causes to be imparted or conveyed
6 false information, knowing the information to be false,
7 concerning an attempt or alleged attempt to do any act
8 which would be a crime prohibited by this chapter or by
9 chapter 111 of this title, shall be fined under this title
10 or imprisoned not more than 5 years.”.

11 “(c) CONFORMING AMENDMENT.—The table of chap-
12 ters at the beginning of title 18, United States Code, is
13 amended by inserting after the item for chapter 111 the
14 following:

 “111A. Destruction of, or interference with, vessels or
 maritime facilities 2290”.

15 **SEC. _08. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS**
16 **OR VESSELS.**

17 “(a) THEFT OF INTERSTATE OR FOREIGN SHIP-
18 MENTS.—Section 659 of title 18, United States Code, is
19 amended—

20 (1) in the first undesignated paragraph—

21 (A) by inserting “trailer,” after
22 “motortruck,”;

23 (B) by inserting “air cargo container,”
24 after “aircraft,”; and

1 (C) by inserting “, or from any intermodal
2 container, trailer, container freight station,
3 warehouse, or freight consolidation facility,”
4 after “air navigation facility”;

5 (2) in the fifth undesignated paragraph, by
6 striking “in each case” and all that follows through
7 “or both” the second place it appears and inserting
8 “be fined under this title or imprisoned not more
9 than 15 years, or both, but if the amount or value
10 of such money, baggage, goods, or chattels is less
11 than \$1,000, shall be fined under this title or im-
12 prisoned for not more than 5 years, or both” ; and

13 (3) by inserting after the first sentence in the
14 eighth undesignated paragraph the following: “For
15 purposes of this section, goods and chattel shall be
16 construed to be moving as an interstate or foreign
17 shipment at all points between the point of origin
18 and the final destination (as evidenced by the waybill
19 or other shipping document of the shipment), re-
20 gardless of any temporary stop while awaiting trans-
21 shipment or otherwise.”.

22 (b) STOLEN VESSELS.—

23 (1) IN GENERAL.—Section 2311 of title 18,
24 United States Code, is amended by adding at the
25 end the following:



1 ““Vessel” means any watercraft or other contrivance used
2 or designed for transportation or navigation on, under, or
3 immediately above, water.”.

4 (2) TRANSPORTATION AND SALE OF STOLEN
5 VESSELS.—

6 (A) TRANSPORTATION.—Section 2312 of
7 title 18, United States Code, is amended—

8 (i) by striking “motor vehicle or air-
9 craft” and inserting “motor vehicle, vessel,
10 or aircraft”; and

11 (ii) by striking “10 years” and insert-
12 ing “15 years”.

13 (B) SALE.—Section 2313(a) of title 18,
14 United States Code, is amended—

15 (i) by striking “motor vehicle or air-
16 craft” and inserting “motor vehicle, vessel,
17 or aircraft”

18 (ii) by striking “10 years” and insert-
19 ing “15 years” .

20 (c) REVIEW OF SENTENCING GUIDELINES.—Pursu-
21 ant to section 994 of title 28, United States Code, the
22 United States Sentencing Commission shall review the
23 Federal Sentencing Guidelines to determine whether sen-
24 tencing enhancement is appropriate for any offense under



1 section 659 or 2311 of title 18, United States Code, as
2 amended by this title.

3 (d) ANNUAL REPORT OF LAW ENFORCEMENT AC-
4 TIVITIES.—The Attorney General shall annually submit to
5 Congress a report, which shall include an evaluation of
6 law enforcement activities relating to the investigation and
7 prosecution of offenses under section 659 of title 18,
8 United States Code, as amended by this title.

9 (e) REPORTING OF CARGO THEFT.—The Attorney
10 General shall take the steps necessary to ensure that re-
11 ports of cargo theft collected by Federal, State, and local
12 officials are reflected as a separate category in the Uni-
13 form Crime Reporting System, or any successor system,
14 by no later than December 31, 2006.

15 **SEC. __09. INCREASED PENALTIES FOR NONCOMPLIANCE**
16 **WITH MANIFEST REQUIREMENTS.**

17 (a) REPORTING, ENTRY, CLEARANCE REQUIRE-
18 MENTS.—Section 436(b) of the Tariff Act of 1930 (19
19 U.S.C. 1436(b)) is amended by—

20 (1) striking “or aircraft pilot” and inserting
21 “aircraft pilot, operator, owner of such vessel, vehi-
22 cle or aircraft, or any other responsible party (in-
23 cluding non-vessel operating common carriers)”;

24 (2) striking “\$5,000” and inserting “\$10,000”;
25 and



1 (3) striking “\$10,000” and inserting
2 “\$25,000”.

3 (b) CRIMINAL PENALTY.—Section 436(c) of the Tar-
4 iff Act of 1930 (19 U.S.C. 1436(c)) is amended—

5 (1) by striking “or aircraft pilot” and inserting
6 “aircraft pilot, operator, owner of such vessel, vehi-
7 cle, or aircraft, or any other responsible party (in-
8 cluding non-vessel operating common carriers)”; and

9 (2) by striking “\$2,000” and inserting
10 “\$10,000”.

11 (c) FALSITY OR LACK OF MANIFEST.—Section
12 584(a)(1) of the Tariff Act of 1930 (19 U.S.C.
13 1584(a)(1)) is amended by striking “\$1,000” in each
14 place it occurs and inserting “\$10,000”.

15 **SEC. 10. STOWAWAYS ON VESSELS OR AIRCRAFT.**

16 Section 2199 of title 18, United States Code, is
17 amended by striking “Shall be fined under this title or
18 imprisoned not more than one year, or both.” and insert-
19 ing the following:

20 “(1) shall be fined under this title, imprisoned
21 not more than 5 years, or both;

22 “(2) if the person commits an act proscribed by
23 this section, with the intent to commit serious bodily
24 injury, and serious bodily injury occurs (as defined
25 under section 1365, including any conduct that, if



1 the conduct occurred in the special maritime and
2 territorial jurisdiction of the United States, would
3 violate section 2241 or 2242) to any person other
4 than a participant as a result of a violation of this
5 section, shall be fined under this title or imprisoned
6 not more than 20 years, or both; and

7 “(3) if death results from an offense under this
8 section, shall be subject to the death penalty or to
9 imprisonment for any term or years or for life.”.

10 **SEC. 11. BRIBERY AFFECTING PORT SECURITY.**

11 (a) IN GENERAL.—Chapter 11 of title 18, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 **“§ 226. Bribery affecting port security**

15 “(a) IN GENERAL.—Whoever knowingly—

16 “(1) directly or indirectly, corruptly gives, of-
17 fers, or promises anything of value to any public or
18 private person, with intent to commit international
19 terrorism or domestic terrorism (as those terms are
20 defined under section 2331), to—

21 “(A) influence any action or any person to
22 commit or aid in committing, or collude in, or
23 allow, any fraud, or make opportunity for the
24 commission of any fraud affecting any secure or
25 restricted area or seaport; or



1 “(B) induce any official or person to do or
2 omit to do any act in violation of the lawful
3 duty of such official or person that affects any
4 secure or restricted area or seaport; or

5 “(2) directly or indirectly, corruptly demands,
6 seeks, receives, accepts, or agrees to receive or ac-
7 cept anything of value personally or for any other
8 person or entity in return for—

9 “(A) being influenced in the performance
10 of any official act affecting any secure or re-
11 stricted area or seaport; and

12 “(B) knowing that such influence will be
13 used to commit, or plan to commit, inter-
14 national or domestic terrorism,

15 shall be fined under this title or imprisoned not more than
16 20 years, or both.

17 “(b) DEFINITION.—In this section, the term ‘secure
18 or restricted area’ means an area of a vessel or facility
19 designated as secure in an approved security plan, as re-
20 quired under section 70103 of title 46, United States
21 Code, and the rules and regulations promulgated under
22 that section.”.

23 (b) CONFORMING AMENDMENT.—The table of sec-
24 tions for chapter 11 of title 18, United States Code, is
25 amended by adding at the end the following:

“226. Bribery affecting port security.”.

1 SEC. __11. PENALTIES FOR SMUGGLING GOODS INTO THE
2 UNITED STATES.

3 The third undesignated paragraph of section 545 of
4 title 18, United States Code, is amended by striking “5
5 years” and inserting “20 years”.

6 SEC. __12. SMUGGLING GOODS FROM THE UNITED STATES.

7 (a) IN GENERAL.—Chapter 27 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “§ 554. **Smuggling goods from the United States**

11 “(a) IN GENERAL.—Whoever fraudulently or know-
12 ingly exports or sends from the United States, or attempts
13 to export or send from the United States, any merchan-
14 dise, article, or object contrary to any law or regulation
15 of the United States, or receives, conceals, buys, sells, or
16 in any manner facilitates the transportation, concealment,
17 or sale of such merchandise, article or object, prior to ex-
18 portation, knowing the same to be intended for expor-
19 tation contrary to any law or regulation of the United
20 States, shall be fined under this title, imprisoned not more
21 than 10 years, or both.

22 “(b) DEFINITION.—In this section, the term ‘United
23 States’ has the meaning given that term in section 545.”



1 (b) CONFORMING AMENDMENT.—The chapter anal-
2 ysis for chapter 27 of title 18, United States Code, is
3 amended by adding at the end the following:

“554. Smuggling goods from the United States.”.

4 (c) SPECIFIED UNLAWFUL ACTIVITY.—Section
5 1956(c)(7)(D) of title 18, United States Code, is amended
6 by inserting “section 554 (relating to smuggling goods
7 from the United States),” before “section 641 (relating
8 to public money, property, or records),”.

9 (d) TARIFF ACT OF 1990.—Section 596 of the Tariff
10 Act of 1930 (19 U.S.C. 1595a) is amended by adding at
11 the end the following:

12 “(d) Merchandise exported or sent from the United
13 States or attempted to be exported or sent from the
14 United States contrary to law, or the proceeds or value
15 thereof, and property used to facilitate the receipt, pur-
16 chase, transportation, concealment, or sale of such mer-
17 chandise prior to exportation shall be forfeited to the
18 United States.”.

19 (e) REMOVING GOODS FROM CUSTOMS CUSTODY.—
20 Section 549 of title 18, United States Code, is amended
21 in the 5th paragraph by striking “two years” and insert-
22 ing “10 years”.

